

UNITES STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PERRY CIRAULU et al.,	:	X	Civil Action No. 1:14-cv-08659-AKH
	:		
Plaintiffs,	:		
	:		
v.	:		
	:		
AMERICAN REALTY CAPITAL	:		
PROPERTIES, INC., et al.,	:		
	:		
Defendants.	:		

BERNARD PRIEVER et al.,	:	X	Civil Action No. 1:14-cv-08668-AKH
	:		
Plaintiffs,	:		
	:		
v.	:		
	:		
AMERICAN REALTY CAPITAL	:		
PROPERTIES, INC., et al.,	:		
	:		
Defendants.	:		

STUART RUBINSTEIN et al.,	:	X	Civil Action No. 1:14-cv-08669-AKH
	:		
Plaintiffs,	:		
	:		
v.	:		
	:		
AMERICAN REALTY CAPITAL	:		
PROPERTIES, INC., et al.,	:		
	:		
Defendants.	:		

KEVIN PATTON et al.,	:	X	Civil Action No. 1:14-cv-08671-AKH
	:		
Plaintiffs,	:		
	:		
v.	:		
	:		
AMERICAN REALTY CAPITAL	:		
PROPERTIES, INC., et al.,	:		
	:		
Defendants.	:		

JAMES EDWARDS JR. et al.,	:	Civil Action No. 1:14-cv-08721-AKH
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
AMERICAN REALTY CAPITAL	:	
PROPERTIES, INC., et al.,	:	
	:	
Defendants.	:	

BERNEY HARRIS et al.,	:	Civil Action No. 1:14 -cv-08740-AKH
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
AMERICAN REALTY CAPITAL	:	
PROPERTIES, INC., et al.,	:	
	:	
Defendants.	:	

SIMON ABADI et al.,	:	Civil Action No. 1:14-cv-09006 –AKH
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
AMERICAN REALTY CAPITAL	:	
PROPERTIES, INC., et al.,	:	
	:	
Defendants.	:	

**PAUL MATTEN’S NOTICE OF MOTION AND MOTION FOR CONSOLIDATION,
APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL OF LEAD PLAINTIFF’S
SELECTION OF COUNSEL**

**TABLE OF CONTENTS OF DECLARATION AND EXHIBITS SUBMITTED
CONCURRENTLY HEREWITH**

1. Declaration of W. Scott Holleman in Support of Paul Matten's Motion for Consolidation, Appointment as Lead Plaintiff, and Approval of Lead Plaintiff's Selection of Counsel
2. Exhibit 1 to the Holleman Declaration (Notice of pendency of class action)
3. Exhibit 2 to the Holleman Declaration (Sworn certification)
4. Exhibit 3 to the Holleman Declaration (Chart of estimated losses)
5. Exhibit 4 to the Holleman Declaration (Johnson & Weaver, LLP firm résumé)

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that proposed lead plaintiff, Paul Matten (“Mr. Matten” or “Movant”) will move this Court, on a date and at such time as may be designated by the Court, in the courtroom of the Honorable Alvin K. Hellerstein, Courtroom 14D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order: (i) consolidating the related actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure; (ii) appointing Mr. Matten as lead plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”); and (iii) approving Mr. Matten’s selection of Johnson & Weaver, LLP to serve as lead counsel. In support of his Motion, Mr. Matten submits the accompanying memorandum of law, the declaration of W. Scott Holleman, and a [proposed] order.

DATED: December 29, 2014

JOHNSON & WEAVER, LLP

/s/ W. Scott Holleman

W. SCOTT HOLLEMAN

[SBN: 4606364]

99 Madison Avenue, 5th Floor

New York, NY 10016

Telephone: 212/802-1486

212/602-1592 (fax)

scotth@johnsonandweaver.com

JOHNSON & WEAVER, LLP

FRANK J. JOHNSON

110 West “A” Street, Suite 750

San Diego, CA 92101

Telephone: 619/230-0063

619/255-1856 (fax)

frankj@johnsonandweaver.com

Proposed Lead Counsel

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants as indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 29, 2014.

JOHNSON & WEAVER, LLP

/s/ W. Scott Holleman

W. SCOTT HOLLEMAN

[SBN: 4606364]

99 Madison Avenue, 5th Floor

New York, NY 10016

Telephone: 212/802-1486

212/602-1592 (fax)

scotth@johnsonandweaver.com